



BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS

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REGULAR BOARD MEETING MINUTES

February 24, 2012

LOS ANGELES, CALIFORNIA

BOARD MEMBERS

PRESENT:

John Vertido, L.V.N. Educator Member, President
Todd D'Braunstein, P.T. Member, Vice-President
Kevin Baucom, P.T. Member
Ling-Ling Chang, Public Member
Victor King, Public Member
Jessica Leavitt, Public Member
Eric Mah, Public Member
Mark Stanfield, Public Member

STAFF PRESENT:

Teresa Bello-Jones, J.D., M.S.N., R.N., Executive Officer
Cheryl Anderson, Supervising Nursing Education Consultant
Angelina Martin, Enforcement Division Chief
Pam Hinckley, Nursing Education Consultant
Linda Ruyters, Administrative Analyst
Laura Freedman Eidson, Legal Counsel, Department of Consumer Affairs
Simone Renteria, Legal Counsel, Department of Consumer Affairs

1. CALL TO ORDER

The meeting was called to order by the President, John Vertido, at 9:00 a.m., February 24, 2012, at the Radisson Hotel at the Los Angeles Airport, 6225 W. Century Blvd., Los Angeles, CA 90045.

2. PLEDGE OF ALLEGIANCE

Board President John Vertido led those assembled in the Pledge of Allegiance.

3. INTRODUCTION OF BOARD MEMBERS AND STAFF

The Board Members introduced themselves. Teresa Bello-Jones, Executive Officer (EO), introduced the staff present.

4. Election of Officers

Nominated for President: Todd D'Braunstein

Moved/Seconded: Jessica Leavitt/Ling-Ling Chang

Support: 8

Oppose: 0

Abstain: 0

Nominated for Vice President: Kevin Baucom

Moved/Seconded: Mark Stanfield/Ling-Ling Chang

Support: 8 Oppose: 0 Abstain: 0

5. INTRODUCTION OF SCHOOLS REPRESENTED AT MEETING (BASED UPON VOLUNTARY SIGN-IN LIST) The following programs voluntarily signed in and were recognized by the Board President.

- American Career College, Ontario
- American Medical Sciences Center
- Angeles College
- Angeles Institute
- Annenburg School of Nursing
- Career Care Institute
- Career Care Institute, Ventura
- Career Colleges of America, Los Angeles
- Career Development Institute
- Career Network Institute
- Carrington College California, Sacramento
- Casa Loma College, Anaheim
- Casa Loma College, Hawthorne
- Center of Education & Technology
- Charter College
- Coast Health Career College
- Community Based Education & Development, Los Angeles
- Community Enhancement Services College
- Concorde Career College, North Hollywood
- Concorde Career College, San Diego
- Four-D College, Colton
- Franklin Career College
- Glendale Career College
- High Desert Medical College, Lancaster
- Homestead Schools, Inc.
- InfoTech Career College
- Institute of Technology
- Kaplan College, San Diego
- Kaplan College, Sacramento
- Los Angeles Job Corps
- Los Angeles Unified School District, Maxine Waters Employment Center
- Lynwood Community Adult School
- Medical Allied Career Center
- Medical Career College, Fremont
- Mt. San Antonio College
- National Career College
- North West College, Glendale

- Pacific Clinics
- Palladium Technical Academy, El Monte
- Preferred College of Nursing, Van Nuys
- Professional Medical Careers Institute, Westlake Village
- San Bernardino Adult School
- Shepherd University
- Soledad Adult School/Mission Trails ROP
- Southern California Medical College
- SRI SAI Krish Institute
- St. Francis Career College
- Summit Career College, Anaheim
- Summit Career College, Colton
- Trinity Vocational Center
- United Education International College, San Bernardino
- Valley College of Medical Careers, West Hills
- West Coast Ultra Sound and VN Institute
- West/Med College, Merced
- YWCA – Los Angeles Job Corp Center

6. BOARD PRESIDENT'S MESSAGE: MEETING AND PUBLIC COMMENT PROCEDURES

Mr. D'Braunstein read a special notice addressing the Board's legal mandate and procedures to have an issue placed on the Board Meeting agenda. He announced that public comment is welcome on any open agenda item prior to the Board's discussion but no action may be taken and the Board may limit the length of time allowed for comments.

7. EXECUTIVE OFFICER'S REPORT

Teresa Bello-Jones provided an update on Board activities relative to:

- Board Member Vacancies
- Budgets
- Education Division
- Licensing Division
- Examinations
- Liaison Activities
- Personnel
- Customer Service Surveys

Public Comment: None received.

Board Discussion:

- Mr. Mah asked Board staff if they felt the number of licensees still to be fingerprinted is disconcerting or alarming. Ms. Martin responded that the final number is still being determined and it may be lower than anticipated.

8. CONSENT CALENDAR ITEMS

- A. Adoption of November 9-10, 2011, Board Meeting Minutes.

B. EO's Report on Decisions for Vocational Nursing (VN) and Psychiatric Technician (PT) Programs.

Public Comment: None received.

Board Discussion: None received.

MOTION: To adopt the November 9-10, 2012 Board Meeting Minutes and the EO's Report on Decisions for VN and PT Programs.

Moved/Seconded: Ling-Ling Chang/John Vertido

Support: 8 **Oppose:** 0 **Abstain:** 0

9. PRESENTATION OF 2011 ANNUAL REPORT

Ms. Bello-Jones presented the 2011 Annual Report with the following highlights:

- The Governor signed the Board's Sunrise Bill, SB 539, extending the Board's authority until January 1, 2016. This legislation also included mandatory reporting requirements, permissive site visits, and changed terminology from "accredited" to "approved."
- On December 20, 2011, the Board implemented interim online license renewals.
- On November 22, 2011, the hiring freeze was lifted for DCA. The Board is working to fill vacancies.
- The estimated costs for BreEZe will be \$2,174,162 to the VN program and \$292,358 to the PT program.
- SB 541 was chaptered requiring the Board to enter into contracts with expert consultants.
- AB 2699, related to Sponsored Health Care Events, was chaptered. The Board submitted a regulatory proposal to the Office of Administrative Law (OAL) to implement this legislation.
- Statistical data and workload activities.
- Four Board meetings were held in 2011, one more than in previous years.
- Kevin Baucom's term of appointment expired on 6/1/11. His one-year grace period ends 6/1/12.

Public Comment:

- Tricia Hunter offered her congratulations for successful passage of the Board's Sunrise Bill.

Board Discussion:

- Mr. Vertido complimented the EO and Board staff for the work they put into the Board's Sunrise Bill and how well they were prepared. This bill passed every committee without opposition.
- Mr. Mah commented that he had only the day before become aware of the types of questions our consumers are asked on the customer service surveys. He asked if a report could be made to Board members in the future, listing the results of the customer service and stakeholder surveys and the types of feedback that is provided. The EO responded that we could provide that information to Board members.

10. PRESENTATION OF 2012 BOARD GOALS

Ms. Bello-Jones presented the 2012 Board Goals.

Public Comment: None offered.

Board Discussion:

- Mr. D'Braunstein advised that there is a link on the Board's website to the application for expert witnesses.
- Mr. Mah requested the words "as necessary and appropriate" be added after each of the listed regulations.

MOTION: Motion to accept the amended report with the addition of the words "as necessary and appropriate" after each of the regulations.

Moved/Seconded: John Vertido/Kevin Baucom
Support: 8 **Oppose:** 0 **Abstain:** 0

11.A. PROPOSAL TO MERGE THE VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS' FUNDS

This agenda item was presented after agenda item #3 due to the time constraints of Brian Skewis, DCA Budget Analyst.

Linda Ruyters, Administrative Analyst, reported that current budget projections indicate that the VN Program's fund reserve will be exhausted by Fiscal Year (FY) 2017/18 and the PT Program's fund reserve will be exhausted by FY 2014/15. The Board should consider statutory amendments to ensure the solvency of the programs.

Public Comment: None offered.

Board Discussion:

- Ms. Leavitt questioned the legality of combining the VN and PT funds. Laura Freedman Eidson, explained that other similar mergers have occurred within DCA.
- Mr. Mah asked Mr. Skewis to explain how pro rata would be impacted. Mr. Skewis responded that the departmental pro rata is distributed by the number of authorized positions and it is unlikely to change. The statewide pro rata is determined by workload. The Board would keep two separate appropriations with revenue collected into one fund.

MOTION: To accept the report and adopt the recommendations as follows:

1. The Board approve the proposal to merge the VN Program's Fund and PT Program's Fund and direct staff to proceed with the legislative process.

Moved/Seconded: John Vertido/Kevin Baucom
Support: 8 **Oppose:** 0 **Abstain:** 0

11.B. LEGISLATION REPORT

Linda Ruyters, Administrative Analyst, provided a status report on various bills.

Public Comment: None offered.

Board Discussion:

- Mr. Mah requested that the policy regarding letters of support or opposition be reviewed by the full Board.

MOTION: To accept the report.

Moved/Seconded: Ling-Ling Chang/John Vertido

Support: 7 **Oppose:** 0 **Abstain:** 1

12.A. PROPOSED REGULATORY ACTION TO IMPLEMENT UNIFORM STANDARDS FOR SUBSTANCE ABUSING LICENSEES AND REVISION OF THE DISCIPLINARY GUIDELINES.

Angelina Martin, Assistant Executive Officer, reported that Business and Professions Code Section 315 established a Substance Abuse Coordination Committee (SACC) to develop uniform standards for substance-abusing licensees. All healing arts boards are required to use those standards. The SACC adopted 16 standards on April 11, 2011. On July 22, 2011, the Board noticed proposed regulatory language to implement the uniform standards and to revise its disciplinary guidelines. A hearing was held on September 6, 2011. Written and oral comments were considered and no changes to the proposed regulatory language were recommended.

At the September 9, 2011 Board Meeting, the Board tabled this report to its November 2011. At its November 10, 2011 Board Meeting, Ms. Martin reported that a Legislative Counsel's opinion had been received which specified that the SACC is required to adopt the standards pursuant to the Administrative Procedures Act and, if adopted, all healing arts board are required to adopt regulations to implement the standards. The Board again tabled this report to allow time for DCA to issue a response to the Legislative Counsel's opinion or for new information to emerge.

Ms. Martin reported that the DCA recently received an opinion from the Attorney General's (AG) office, relative to the opinion issued by the Legislative Counsel. The DCA requested all Boards and Bureaus to refrain from further action until they review the AG's opinion and issue a letter to the Boards/Bureaus. The Board again tabled this report to its May 2012 meeting.

Public Comment:

- Tricia Hunter, American Nurses Association, stated she is ecstatic the AG's office has issued an opinion. Her organization had major concerns with the Legislative Analyst's opinion on the legislation that is driving this proposed regulation and they disagree with the finding that Boards have the authority to write this type of regulation.

Board Discussion:

- Mr. Vertido asked for clarification regarding DCA's request for Boards/Bureaus to await their letter before taking further action. Ms. Martin responded that DCA is asking the Board to hold any further action until DCA issues a letter of opinion.
- Ms. Freedman Eidson commented that it is her understanding the AG's opinion may conflict with the Legislative Counsel's opinion.
- Mr. D'Braunstein asked if there is a date by which the Board anticipates receiving the letter from DCA. Ms. Martin responded that it is not known when the letter will be issued.
- Mr. Vertido commented that this Board has had major concerns regarding drug testing and the cost incurred by licensees, as well as the frequency of testing and the distance traveled

- for testing. He feels this delay will allow staff to make assessments of the various opinions and recommendations and ensure all issues are being addressed.
- Ms. Bello-Jones clarified that the Board has not received written communication regarding the AG's opinion or the DCA's letter.

MOTION: To accept the report and delay action on the recommendations pending receipt of the opinions from the AG and DCA.

Moved/Seconded: John Vertido/Mark Stanfield

Support: 8 **Oppose:** 0 **Abstain:** 0

13. ENFORCEMENT DIVISION REPORT

Ms. Martin provided an update regarding:

- Enforcement Division Updates.
- Enforcement Division General Statistics.

Public Comment: None offered.

Board Discussion: None offered.

MOTION: To accept the report.

Moved/Seconded: Kevin Baucom/Mark Stanfield

Support: 8 **Oppose:** 0 **Abstain:** 0

14. EDUCATION DIVISION REPORTS REGARDING VOCATIONAL NURSING & PSYCHIATRIC TECHNICIAN PROGRAMS

14.A.1. St. Jude Healthcare Education Center Vocational Nursing Program – Consideration of Placement on Provisional Accreditation and Request to Begin a Part-Time Program

Pam Hinckley, Nursing Education Consultant (NEC), stated that this program is presented to the Board for action due to low licensure pass rates. Additionally, the program changed their approved full-time program to a part-time program without prior Board approval. Ms. Hinckley has been unable to open electronic documents provided by the program and discrepancies exist in the instructional plan. The program requested approval to offer both full-time and part-time programs. The program's pass rates since inception do not indicate such approval will be conducive to enhanced student achievement. Statistics support approval of the program's request to offer part-time classes only.

Representative from the School: Marjorie Yumul, Director.

- Ms. Yumul admitted violating the requirement that the program seek permission from the Board prior to converting from a full-time to a part-time program.
- The program is asking for more part-time students and has taken steps to ensure they do not repeat their mistakes again.
- Ms. Yumul indicated that the school is only three years old and has graduated only ten students to date.

Public Comment: None offered.

Board Discussion:

- Mr. Vertido has concerns relative to Ms. Hinckley contacting the program nine times requesting information and nine times she was unable to read the files provided by the program. Ms. Yumul was unable to provide an explanation regarding the inaccessible files.
- Mr. D'Braunstein asked Ms. Yumul if she is aware of the seriousness of the program's violations. She replied she is aware the violations are serious.
- Mr. Baucom asked for an explanation regarding why the program was converted from full-time to part-time. Ms. Yumul responded that the full-time program was converted to a part-time program at the request of the students. The part-time program meets eight hours Sunday and Monday for eight hours theory and eight hours clinical.
- Mr. Vertido asked for clarification regarding when the program wants to start their new class – before or after the current class graduates. Ms. Yumul responded the new class would start after the current class graduates.
- Mr. Vertido asked how long after the graduates took the NCLEX examination. Ms. Yumul responded there was a ten month period between graduation and the students receiving their ATT packets. The students graduated in February, the program received full accreditation in July, and the ATT packets were given to the students in November. Mr. Vertido expressed concern regarding the length of time involved. The program did not submit the students' applications for testing until after they received accreditation in July. Ms. Cheryl Anderson questioned the periods of time stated by Ms. Yumul as it takes only four to six weeks, occasionally eight weeks, for the Board to determine eligibility and notify NCSBN.
- Mr. Stanfield asked if the program is offering any assistance to the students who failed the test. Ms. Yumul informed Mr. Stanfield the program sent the students to Excel Center where they are offered review of the materials.
- Mr. King reminded the director that, among the recommendations, there is a requirement for the program to submit reports to the Board. He suggested the program might want to send their reports early and that they should ensure the reports are in a format that is readable by the consultant. Ms. Yumul assured Mr. King the program will comply and not repeat past errors regarding communicating with the Board.
- Mr. Mah advised that if the program is going to make allegations regarding their efforts to communicate with the Board, they should bring evidence to support their claims (i.e., signed receipts for certified mail, etc.).

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve St. Jude Healthcare Education Center Vocational Nursing Program's request to offer a part-time course of instruction **only**.
2. Approve the program's part-time curriculum to include 1728 total hours (744 theory; 984 clinical hours), effective February 27, 2012.
3. Approve the program's part-time instructional plan.
4. Deny the program's request to admit 25 part-time students effective February 27, 2012.

5. Place St. Jude Healthcare Education Center Vocational Nursing Program on provisional accreditation for the two-year period from February 24, 2012, through February 28, 2014, and issue a notice to the program to identify specific areas of noncompliance and requirements for correction as referenced in Section 2526.1 (e) of the California Code of Regulations (see Attachment G).
6. Require the program to admit no additional students unless approved by the full Board.
7. Require the program to bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate.
8. Require the program to submit follow-up reports in nine months, but no later than **November 1, 2012**, and 21 months, but no later than **August 1, 2013**. The reports must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis:
 - a. Admission Criteria.
 - b. Screening and Selection Criteria.
 - c. Terminal Objectives.
 - d. Curriculum Objectives.
 - e. Instructional Plan.
 - f. Theory and Clinical Objectives for Each Course.
 - g. Lesson Plans for Each Course.
 - h. Textbooks.
 - i. Attendance Policy.
 - j. Remediation Policy.
 - k. Evaluations of Theory and Clinical Faculty.
 - l. Evaluations of Theory Presentations.
 - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
 - n. Evaluation of Student Achievement.
 - o. Current Enrollment.
9. Require the program to comply with all accreditation standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
10. Place the program on the **February 2013** Board agenda for reconsideration of provisional accreditation.
11. Failure to show consistent progress shall constitute cause for revocation of provisional accreditation.

Moved/Seconded: John Vertido/Ling-Ling Chang
Support: 8 **Oppose:** 0 **Abstain:** 0

14.A.2. West Med College, Merced, Vocational Nursing Program – Consideration of Placement on Provisional Accreditation and Request to Admit Students

Pam Hinckley, NEC, stated this program was brought before the Board due to low licensure pass rates. She presented a brief history of this program, including the school having started ten of their last 12 classes without Board authorization. In 2007, the program assured the Board this violation had occurred due to misguided information and offered assurance this would not happen again. Since that time, the program has submitted documents and information to substantiate that the program has admitted an additional nine classes without seeking Board authorization. Additionally, the program implemented a major revision of curriculum without prior Board approval. Further, the program failed to notify the Board of terminated faculty members within the required time period.

Three of four identified violations have been corrected and the program implemented a revised curriculum in an attempt to correct the program's low licensure pass rates.

Representatives from the School: Tracey Jensen, VN Director; Dr. Mac Powell.

- Dr. Powell acknowledged the seriousness of the violations. He further stated the owners have replaced the original director as they feel the new director can do a better job focusing on improving the program. He apologized for all the things the program has done to bring them before the Board on this day.
- Ms. Jensen acknowledged the seriousness of the allegations and the need to correct them. She has been the director since January 2011 and has attempted to locate past records. She has been unable to locate any historical files or information.
- Ms. Jensen also indicated that pass rates are the area of focus for the program; students are not receptive to NCLEX review; the program offers free ATI test books to students; they have added NCLEX-style questions to their exams; and they are considering using HESI or ATI predictor tests as part of the admissions process.

Public Comment: None offered.

Board Discussion:

- Mr. Vertido commented that he had never seen such egregious violations of state law and regulations. He further stated that he realized they are the new owners and they inherited the poor performance history. Ms. Powell agreed with that statement.
- Ms. Jensen suggested the Board send copies of all future correspondence to program administration as it appears to her that past communications were not directed to the individuals who could have made a difference. Mr. Vertido reminded her that the Board had approved her for the position of director, a position of trust and integrity. It is her responsibility to ensure communications work as they should within her program.
- Mr. King stated that he rejects Ms. Jensen's suggestion.
- Mr. Baucom asked Ms. Jensen when she first became aware of the unapproved admissions that occurred prior to her appointment as director. Ms. Jensen responded that she started in January 2011 and became aware of this problem in July 2011.
- Mr. Mah asked Dr. Powell to characterize his involvement with the program. He answered that he has been involved with the program for two years. When he became aware of the problems associated with the program he met with Ms. Anderson and asked for an overall evaluation of the program and the program director at that time. He also hired a consultant

to evaluate the faculty, curriculum, and overall program. He has made many changes, based on the consultant's recommendations.

- Mr. D'Braunstein commented that pass rates leave room for a great deal of growth and he is concerned about the class graduating in March as they are not under the new curriculum. Ms. Jensen assured him the program had begun working with those students two months ago, giving them extra instruction and standardized testing. She expects them to do well on their exams.

MOTION: To accept the report and adopt the recommendations as follows:

1. Deny West Med College, Merced, Vocational Nursing Program's request to admit a day class of 30 full-time students on April 19, 2012, graduating on April 19, 2013, to **replace** a class that graduated November 23, 2011.
2. Deny the program's request to admit an evening class of 30 full-time students on April 30, 2012, graduating May 31, 2013, to replace a class that will graduate on March 28, 2012, at this time.
3. Place West Med College, Merced, Vocational Nursing Program on provisional accreditation for the two-year period from February 24, 2012, through February 28, 2014, and issue a notice to the program to identify specific areas of noncompliance and requirements for correction as referenced in Section 2526.1 (e) of the California Code of Regulations (see Attachment E).
4. Require the program to admit no additional students unless approved by the full Board.
5. Require the program to bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate by **January 2, 2014**.
6. Require the program to submit follow-up reports in nine months, but no later than **November 1, 2012**, and 21 months, but no later than **November 1, 2013**. The reports must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.
 - a. Admission Criteria.
 - b. Screening and Selection Criteria.
 - c. Terminal Objectives.
 - d. Curriculum Objectives.
 - e. Instructional Plan.
 - f. Theory and Clinical Objectives for Each Course.
 - g. Lesson Plans for Each Course.
 - h. Textbooks.
 - i. Attendance Policy.
 - j. Remediation Policy.
 - k. Evaluations of Theory and Clinical Faculty.
 - l. Evaluations of Theory Presentations.
 - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
 - n. Evaluation of Student Achievement.
 - o. Current Enrollment.

7. Require the program to comply with all accreditation standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
8. Require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's accreditation.
9. Failure to take any of these corrective actions may cause the full Board to revoke the program's accreditation.
10. Place the program on the **February 2014** Board agenda for reconsideration of provisional accreditation.

Moved/Seconded: John Vertido/Ling-Ling Chang

Support: 8 **Oppose:** 0 **Abstain:** 0

14.A.3. Coast Health Education Center, Inc., Vocational Nursing Program – Reconsideration of Provisional Accreditation and Request to Admit Students

Cheryl Anderson, Supervising Nursing Education Consultant (SNEC), reported that the Board placed the program on provisional approval in September 2008 due to low licensure exam pass rates. Their provisional accreditation has been extended three times. Since initial placement on provisional accreditation on September 12, 2008, the program has had 15 quarters to demonstrate compliance with existing regulations. The program's average annual pass rates have declined to 44% with the most recent reporting period at 47%. If the program's accreditation is revoked, no students will be impacted. The last class graduated in February 2011.

Representative of the School: Oscar de Jesus, owner and administrator.

- Mr. de Jesus stated he has closed the school for a year due to personal circumstances. He stated that, if the Board approves him one more time, the changes he submitted to his consultant last year will be implemented and, hopefully, pass rates will improve.

Public Comment: None offered.

Board Discussion:

- Mr. Vertido asked for clarification of the length of time the program had been on provisional accreditation. Ms. Anderson provided clarification.

Motion: To accept report and adopt the recommendations as follows:

1. Deny approval of Coast Health Education Center Inc., Vocational Nursing Program's request to admit 15 students commencing March 26, 2012 and graduating April 27, 2013.
2. If the Coast Health Education Center Inc., Vocational Nursing Program fails to bring the average annual pass rate, as reported by the Pearson Vue and published by the National Council of State Boards of Nursing as "Jurisdictional Summary of All First-Time Candidates Educated in Member Board Jurisdiction," of its first-time graduates on the NCLEX-PN® to

no more than ten (10) percentage points below the State annual average pass rate by February 29, 2012, then:

- a. Revoke the program's accreditation, March 1, 2012.
- b. Remove the program from the *List of Approved Vocational Nursing Schools*.

Moved/Seconded: John Vertido/Kevin Baucom

Support: 8 **Oppose:** 0 **Abstain:** 0

14.A.4. Medical Career College, Fremont, Vocational Nursing Program – Reconsideration of Provisional Accreditation and Request to Admit Students

Cheryl Anderson, SNEC, reported that on February 18, 2010, the Board placed the program on provisional approval for a two-year period due to pass rates that fell below 10 percentage points of the state average pass rate for first-time candidates. At that time, the Board specified that the program must bring its average annual pass rate to no more than ten percentage points below the state average annual pass rate for four consecutive quarters by February 17, 2012. Since that time, the program's pass rates have been from 37 to 23 percentage points below the state average annual pass rate.

Representative of the Program: Marilyn Castillo, Director and President.

- Ms. Castillo stated she is committed to improving the program's pass rates.

Public Comment: None offered.

Board Discussion:

- Mr. Baucom asked how many instructors are currently on staff at the program. Ms. Castillo responded approximately six instructors.
- Mr. Baucom commented that approximately one third of students don't take the NCLEX exam and asked if the program is taking any action to capture those students. Ms. Castillo responded those students are still reviewing.
- Mr. Vertido congratulated Ms. Castillo for improving scores by about 15% and said he is heartened by the revised attendance policy, revised remediation policy, and instructional materials and method.

Motion: To accept the report and adopt the recommendations as follows:

1. Approve the program's request to admit 15 students into a day class commencing April 2, 2012 only, graduating April 22, 2013, to **replace** a class that is scheduled to graduate March 22, 2012.
2. Approve the program's request to admit 15 students into an evening class commencing April 2, 2012 only, graduating April 22, 2013.
3. Require the program to admit no additional students unless approved by the full Board.
4. Extend the Medical Career College Vocational Nursing Program's Provisional Accreditation for the one-year period from February 18, 2012 through February 28, 2013, and issue a certificate, and issue a notice to the program to identify specific areas of noncompliance

and requirements for correction as referenced in Section 2526.1 (e) of the California Code of Regulations (see Attachment J).

5. Require the program to submit a follow-up report in nine months, but no later than **November 1, 2012**. The report must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of employed interventions. The report must address all elements as identified in the Notice of Change in Accreditation Status dated April 5, 2011.
6. Require the program to bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate by **February 28, 2013**.
7. Require the program to comply with all accreditation standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
8. Require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's accreditation.
9. Failure to take any of these corrective actions may cause the full Board to revoke the program's accreditation.
10. Place the program on the **February 2013** Board agenda for reconsideration of provisional accreditation.

Moved/Seconded: John Vertido/Kevin Baucom

Support: 8 **Oppose:** 0 **Abstain:** 0

14.A.5. Soledad Adult School/Mission Trails Vocational Nursing Program – Reconsideration of Provisional Accreditation

Pam Hinckley, NEC, reported that on September 9, 2011, the Board placed the program on provisional approval until February 29, 2012. That action was taken due to the program's noncompliance with regulatory requirement relative to program administration. The program was without a program director from September 15, 2010 through September 1, 2011. On September 2, 2011, the assigned consultant approved a new program director. On September 23, 2011, the Board received correspondence indicating the director had resigned.

Additionally, the program extended the course of instruction without prior Board approval. On November 28, 2011, the consultant requested information related to student enrollment, faculty and facilities utilized, faculty facility assignments, and Maternity/Pediatric assignments. To date the information has not been provided.

On January 25, 2012, the Board received correspondence indicating that Soledad Adult School/Mission Trails ROP had closed the VN Program due to the inability to adequately staff the director position.

Representative of Program: Denise Estrella, Director Soledad Adult School ROP Program; Linda Coyne, former program director.

- Ms. Estrella reported that former director, Ms. Coyle, has been hired as consultant to the district and is to assist in finding a qualified director. She has met with 10 of 15 current students in an effort to assess their needs. She has a strong candidate to submit to the Board as their next program director. This candidate is aware of the program's history and is willing to step in temporarily. There is also a second candidate who is willing to work with the program. The program has strong district and community support.
- Ms. Coyne reported that she started the program in 2006 with 20 students, six of whom graduated from the program. All six graduates passed the NCLEX.
- In 2006 the program was affiliated with Boston-Reid College, but the cost prohibited the program from continuing that alliance for the second cohort of students.
- The current class began with 21 students, 15 remain. The remaining students need 89-152 hours to be in compliance with program requirements. The program is asking the Board to extend provisional accreditation for a three month period in order to allow the remaining students to complete the program.

Public Comment: None offered.

Board Discussion:

- Mr. Vertido asked for clarification of the length of the program and commented on the excellent pass rate. The program representative said the program is about two years long.
- Mr. Vertido commented on their candidate being available on a temporary basis and asked what the program's plan is after that time period. Ms. Estrella responded that, if they were able to hire a director who could get Board approval, they would like to remain open.
- Mr. Baucom asked Ms. Estrella if she felt they had a strong candidate who would be able to secure Board approval. Ms. Estrella responded that she has already been working with Ms. Hinckley to ensure the qualifications of the candidate.
- Mr. King asked Ms. Hinckley if her recommendations would change, with the new information that there are two candidates for the director position. Mr. Baucom then asked if the recommendation could be kept intact, but tabled until Soledad could complete the interview process with the two candidates. Ms. Hinckley responded that, because of the program's past success rate, she would recommend allowing them additional time.

MOTION: To accept the report and amend the recommendations to extend provisional approval through the end of May 2012. The program is scheduled to come back before the Board in May 2012.

Moved/Seconded: Ling-Ling Chang/Eric Mah

Support: 7 **Oppose:** 1 **Abstain:** 0

(Ms. Chang left the meeting for another commitment.)

14.B.1. Advanced College Vocational Nursing Program – Consideration of Request to Admit Students

Cheryl Anderson, SNEC, reported that the Board placed the program on provisional approval for two years from February 25, 2011 through February 28, 2013. On April 5, 2011, the

program was issued a Notice of Violations specifying required corrections. The program failed to submit the required follow-up report. Although some improvement has occurred, the program's average annual pass rates remain more than ten percentage points below the state average annual pass rate for 11 consecutive quarters.

Representative of the School: Minnie Douglas.

- Ms. Douglas stated that she accepts responsibility for not getting requested information to the consultant in a timely manner. Ms. Douglas also stated that in her 40 years of being a program director, this is the first time she has not got a report in on time. She also claims that the consultant's original request for information was lost or misplaced in her office due to file cabinets being moved.
- Ms. Douglas said the program currently has 24 students who are scheduled to graduate in May 2012. If the Board does not grant approval for a new class, the program will have no students.

Public Comment: None offered.

Board Discussion:

- Mr. Vertido asked for confirmation of an email sent by the program director stating she was unable to locate information that had been requested by the consultant. Ms. Anderson confirmed his understanding of the email.
- Mr. Vertido asked for confirmation that the report which was requested by 1/13/12 had just been received. Ms. Anderson stated the report had actually been due December 1, 2011.
- Mr. King asked why the Board should even consider allowing another class to be admitted in light of this program's consistent failure to submit timely responses to Board queries. Ms. Anderson replied that there would be no problem with the Board deciding to not allow the requested class.
- Mr. Vertido interjected a comment about the program not only missing deadlines, but their inability to locate the requested documents.
- Mr. Vertido reminded Ms. Douglas that if the staff does not receive required information by the requested date, staff will have inadequate time to complete an analysis.
- Mr. King asked Ms. Douglas to verify her statement that the Board did not notify her of her failure to submit a requested report.
- Ms. Freedman clarified that it was a report regarding accreditation, not requesting students, that was late.

MOTION: To accept the report and amend the recommendations as follows:

1. Deny Advanced College Vocational Nursing Program's request to admit 45 students commencing February 27, 2012.
2. Continue to require the program to obtain full Board approval prior to the admission of each class.

Moved/Seconded: Victor King/John Vertido

Support: 7 **Oppose:** 0 **Abstain:** 0

14.B.2. High Desert Medical College, Vocational Nursing Program – Consideration of Request to Admit Students and Major Curriculum Revision

Pam Hinckley, NEC, reported that the program was placed on provisional approval at the November 2011 Board meeting due to poor performance of graduates on the licensure examination. The program's average annual pass rate is 14 percentage points below the state average annual pass rate.

On September 28, 2011, a new program director was approved. The new director submitted a revised curriculum with instructional plan for approval by the Board for the full-time and part-time programs. The director would like to implement the new curriculum with any future full-time classes. The NEC reported that it is imperative that the new director focus on currently enrolled students and evaluate their performance, as well as implementing and evaluating the new curriculum with the new group of students.

Representative of the School: Carol Williams, Program Director.

- Ms. Williams indicated that the program is under the wing of Summit.

Public Comment: None offered.

Board Discussion:

- Mr. Vertido asked Ms. Hinckley to confirm that the program had requested a change in curriculum and asked if it had been done in a timely manner. Ms. Hinckley confirmed the above.
- Mr. Vertido stated that when he was Board president, the requests were to be handled in the order in which they were received, with nobody "jumping to the head of the line." He asked if this program had been fast tracked, allowing them to jump ahead of other program requests. Ms. Hinckley confirmed that this program's paperwork had been examined before that of other programs.
- Mr. Mah stated that he requested that this program be on the agenda for this meeting.
- Mr. Vertido commented that the program should focus on the full-time class before adding a part-time class.
- Mr. Vertido also commented that he feels the program is trying to circumvent the proper approval process and to an "end run" around the consultants.

MOTION: To accept the report and adopt the amended recommendations as follows:

1. Delegate to the Executive Officer discretionary authority to approve the program's part-time and full-time instructional plans.
2. Deny the program's request to admit 20 part-time students on March 23, 2012, only, graduating August 7, 2013, to replace students that graduated on October 1, 2010.
3. Contingent on the program's submission of the full-time instructional plan, analysis by the NEC, and approval of the major curriculum revision by the Executive Officer, approve High Desert Medical College Vocational Nursing Program's request to admit a class of 20 full-time students on April 2, 2012, only, graduating April 4, 2013, to replace students who will graduate on March 26, 2012.

Moved/Seconded: Victor King/Eric Mah
Support: 8 **Oppose:** 0 **Abstain:** 0

14.B.3. InfoTech Career College, Vocational Nursing Program – Consideration of Request to Admit Students

Pam Hinckley, NEC, reported that the program was placed on provisional approval at the November 2011 Board meeting due to the program's poor performance on the licensure examination. There are nine quarters of data recorded for the program. The first seven consecutive quarters, the program's average annual pass rates were 13 to 51 percentage points below the state average annual pass rate. The program then recorded a 100%, based on one student testing.

There have been seven directors since the program's inception on May 14, 2008. Six of the seven directors remained with the program less than six months at a time. The current director has been with the program currently eight months. The current director has identified and implemented a plan to correct the program's poor performance on the licensure examination; however, the Board is concerned with the consistency of implementation due to the high turn-over of program directors.

Representative of Program: Elizabeth Estrada, DON.

- Ms. Estrada stated the program is very stable and has kept their instructors. The program has raised admissions standards and now offers weekly remediation and tutoring. The students are now averaging 81% on weekly tests and their attendance rate is now 98.17%.

Public Comment: None offered.

Board Discussion:

- Mr. Baucom and Mr. Vertido congratulated Ms. Estrada on her longevity with the program.
- Mr. Vertido asked for clarification regarding the number of students the program is requesting. Ms. Hinckley confirmed that the program's request was for 15 students.

Motion: To accept the report and adopt the recommendations as follows:

1. Approve InfoTech Career College Vocational Nursing Program's request for approval to admit a class of 15 full-time, day, students on April 9, 2012, only, graduating on July 1, 2013.
2. Require the program to admit no additional students unless approved by the full Board.

Moved/Seconded: Kevin Baucom/John Vertido
Support: 8 **Oppose:** 0 **Abstain:** 0

14.B.4. Valley College of Medical Careers, Vocational Nursing Program – Consideration of Request to Admit Students

Pam Hinckley, NEC, reported that the program was placed on provisional approval at the November 2011 Board meeting due to noncompliance with regulatory requirements relative to pass rates on the licensure examination. At that time, the program's quarterly pass rate was 43% and the average annual pass rate was 62%. Currently, the program's quarterly pass rate is 17% and the average annual pass rate is 53%. The program's quarterly pass rate

decreased 26 percentage points and its average annual pass rate decreased 22 percentage points. The program has not completed the revision of its curriculum.

Representative of the Program: Ranbir Sedeora, Program Director.

- Ms. Sedeora indicated that she has submitted requested report. The program has now implemented ATI.

Public Comment: None offered.

Board Discussion: None offered.

Motion: To accept the report and adopt the recommendations as follows:

1. Require Valley College of Medical Careers Vocational Nursing Program to submit the revised instructional plan by February 29, 2012.
2. Deny the program's request to admit a class of 30 full-time, evening students on March 5, 2012, graduating on June 8, 2013, to replace a class that graduated November 18, 2011.
3. Require the program to perform and submit a written analysis and report to address the program's rate of attrition by February 29, 2012. The report shall include the program's plans to decrease its rate of attrition and increase the number of graduates taking the licensure examination.

Moved/Seconded: Kevin Baucom/John Vertido

Support: 8 Oppose: 0 Abstain: 0

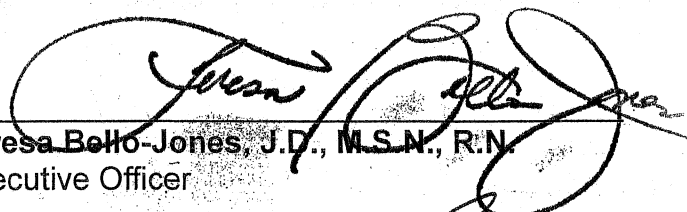
15. PUBLIC COMMENT PERIOD

- Brian Chilstrom, Summit College, stated that Summit has come a long way and they learned a great deal from the Board while trying to improve their program. Summit had promised themselves that once their program improved, they would help other programs do the same.
- Susan Istvan-Wood, American Medical Science Center, stated that her program is in their 39th month of awaiting approval and claimed that the Board has lost her materials twice.
- Roxanne Workman, Charter College - Long Beach, stated that they are also awaiting approval and would like to have communication with the NECs to determine where they are in the queue.
- Vijay Bhaskar, former director of the Career Networks Institute VN Program offered to help other programs improve.
- Tricia Hunter disclosed that the Board of Registered Nursing (BRN) has issued a writ saying they will not do new feasibility studies until they clear current workload. The BRN is also proposing a fee for reviewing and approving programs. Ms. Hunter commented that some Boards have put a limit on the number of times they will review a program and stated that our Board might want to consider doing the same.

16.ADJOURNMENT

The meeting adjourned at 4:30 pm.

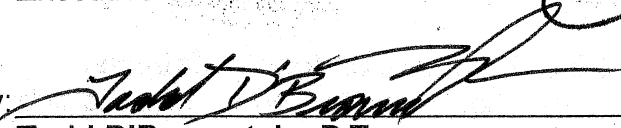
Prepared by:


Teresa Bello-Jones, J.D., M.S.N., R.N.
Executive Officer

Date:

5/11/12

Approved by:


Todd D'Braunstein, P.T.
President

Date:

5-11-2012